

UNITED STATES DISTRICT COURT
for the
District of New Mexico

United States of America

v.

Gregory George
(year of birth 1974)

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)
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Case No. 24-MJ-1137

Defendant(s)

FILED
United States District Court
Albuquerque, New Mexico
Mitchell R. Elfers
Clerk of Court

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 27, 2024 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 111(a)

Assault of a Federal Employee

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

Kelly A. McNulty
Complainant's signature

Postal Inspector Kelly McNulty

Printed name and title

Telephonically sworn and electronically signed.

Date: 08/07/2024

City and state: Albuquerque, New Mexico

Hon. Steven C. Yarbrough, U.S. Magistrate Judge

Printed name and title

Steve Yarbrough
Judge's signature

AFFIDAVIT FOR CRIMINAL COMPLAINT

I, Kelly McNulty, having been duly sworn, do depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a United States Postal Inspector with the United States Postal Inspection Service (USPIS) and have been so employed since May 2019. I have completed a twelve-week basic training course in Potomac, Maryland, which included training in the investigation of crimes against United States Postal Service (USPS) employees. I am currently assigned to the Phoenix Division, Albuquerque, NM Domicile which is responsible for investigating crimes against USPS employees. Prior to appointment as a U.S. Postal Inspector, I served in the United States Navy for 28 years. During my career as a federal law enforcement officer, I have participated in the investigation of financial crimes, robberies, burglaries, workplace violence and narcotics offenses.

2. This Affidavit is made for the limited purpose of establishing probable cause that Gregory George (GEORGE) committed the following felony criminal offense: 18 U.S.C. § 111(a), assault of a federal employee involving physical contact.

3. My knowledge of the facts alleged in this Affidavit arises from my training and experience, my personal observations, my participation in the investigation described below, information developed by law enforcement agents, my discussions with witnesses, and my review of documents and video. This Affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

DETAILS OF INVESTIGATION

4. On July 27, 2024, at approximately 8:30 AM, a customer appeared at the caller service door at the Academy Station Post Office located at 6255 San Antonio Dr. NE, Albuquerque, NM 87109. The post office was not open for business at that time. The customer,

later determined to be GEORGE, continually rang the bell until a postal employee opened the top of the dutch door and told him the post office was not yet open. GEORGE yelled at the employee, demanded a package, and gave the employee a tracking slip containing his name, address and phone number. The employee closed the door, but GEORGE continued yelling and banging on the door.

5. Another employee, Jane Doe, attempted to speak with GEORGE to get him to calm down, without success. GEORGE pulled out a can of what appeared to be pepper spray and several employees quickly closed the service door and left the area to phone police for assistance.

6. United States Postal Service (USPS) employee John Doe (Doe) was working in an official duty status at the Academy Station Post Office that morning. He was unaware of the prior altercation with GEORGE and was returning from the breakroom when he heard someone outside ringing the customer service bell repeatedly. Upon hearing the bell, Doe opened the top portion of the dutch door and GEORGE immediately started yelling and cussing at him, demanding a package and to speak to a manager. Before Doe could react, GEORGE reached into the opening of the door and sprayed Doe with Oleoresin Capsicum (OC), commonly referred to as pepper spray. GEORGE sprayed the OC directly into Doe's eyes. Doe immediately opened the bottom portion of the door and grabbed GEORGE by the shirt to keep him out of the workroom and from spraying anyone else. Doe was temporarily blinded by the OC spray from that point on. Doe stated when other employees started to help, he let go of GEORGE in order to rinse out his eyes and rinse his face.

7. Albuquerque Police Department (APD) Officer Stevens was first to arrive at the post office. According to Officer Stevens's report and interviews I later conducted, multiple employees ran to assist Doe and restrained GEORGE, who was carrying two (2) cans of OC spray. The employees took the OC spray from GEORGE before releasing him. GEORGE had already

fled the scene by the time APD arrived. Officer Stevens seized the OC spray as evidence and interviewed Doe. During the interview, Officer Stevens observed that Doe had a hard time keeping his eyes open and smelled of OC spray.

8. Postal employees provided the name and address for GEORGE to Officer Stevens based on the information associated with the package tracking number. Additionally, some of the postal employees reported they knew GEORGE because he was a frequent customer who was often “belligerent.”

9. I reviewed Consolidated Lead Evaluation and Reporting (“CLEAR”), a law enforcement database accessible to me. CLEAR associates addresses and telephone numbers to individuals and business entities. The CLEAR database is created from credit reports, law enforcement reports, utility records, and other public records. The information for GEORGE in CLEAR matched the name and address associated with the tracking number for the package requested by GEORGE at the post office.

10. Further, I learned that GEORGE went to a local hospital for treatment, complaining that he suffered an unknown injury. Based on my review of the available evidence, witness statements, and video, there was no assault perpetrated against GEORGE by the postal employees. I went the hospital to interview GEORGE. I introduced myself and asked him if he was Gregory George. GEORGE responded affirmatively with a head nod and saying “Yes.” GEORGE did not wish to make a statement.

11. I obtained a photo of GEORGE provided by the hospital and showed it to Jane Doe, the female clerk who interacted with GEORGE on July 27, 2024. Jane Doe is familiar with GEORGE from his prior visits to the postal office and confirmed that the individual depicted in

the photo, who is the same individual I identified as Gregory GEORGE at the hospital, was the same man who was at the Academy Station Post Office with pepper spray on July 27, 2024.

12. At the time of the offense, Doe was employed as Postal Clerk and was engaged in the performance of his official duties. Doe is a federal employee pursuant to 18 U.S.C. § 1114.

CONCLUSION

13. Based on the above information, I submit there is probable cause to believe GEORGE committed violations of 18 U.S.C. § 111(a), assault of a federal employee involving physical contact.

Kelly A. McNulty
Kelly McNulty
United States Postal Inspector

Electronically signed and telephonically sworn on this 7th day of August 2024.

Steve Yarbrough

HONORABLE STEVEN C. YARBROUGH
UNITED STATES MAGISTRATE JUDGE